

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LEONEL GUICHO-ACOSTA,

Defendant.

CASE NO. 2:22-cr-00009-LK-1

ORDER GRANTING SECOND
MOTION TO CONTINUE TRIAL
DATE

This matter comes before the Court on Defendant Jose Leonel Guicho-Acosta's second motion seeking a continuance of the trial date and the pretrial motions deadline. Dkt. No. 23. Guicho-Acosta requests that the trial date be continued from July 11, 2022 to October 11, 2022, and has waived his rights to a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161, through October 25, 2022.¹ Dkt. No. 24. The motion is unopposed by the Government. Dkt. No. 23 at 2.

Based on the facts set forth in the motion and the record in this case, the Court finds that

¹ Once again, Guicho-Acosta consents to continue his trial date "to" October 25, 2022, rather than waiving his speedy trial right "through" that date. *See* Dkt. No. 22 at 1 n.1; Dkt. No. 24 at 1. However, the new trial date that he proposed in his motion is October 11, 2022. Dkt. No. 23 at 1. The Court therefore presumes that Guicho-Acosta intended to waive his speedy trial date *through* October 25, 2022—two weeks beyond the requested date—consistent with the requirements of the Court's Standing Order for Criminal Cases. *See* Dkt. Nos. 19 at 2, 23 at 3.

1 the ends of justice would best be served by granting the requested continuance. *See* 18 U.S.C. §
2 3161(h)(7)(A). Guicho-Acosta's motion states that his counsel needs additional time to review
3 hundreds of pages of initial discovery, interview witnesses, conduct legal research, consider the
4 United States' plea offer, and prepare for trial. Dkt. No. 23 at 2. A continuance is necessary to
5 ensure that the defense has adequate time to prepare effectively for trial and to provide effective
6 assistance of counsel. *See* 18 U.S.C. § 3161(h)(7)(A). The Court finds that these ends outweigh
7 the best interests of the public and the defendant in a speedy trial. *See id.* The Court also finds that
8 the additional time requested is a reasonable period of delay. A failure to grant the continuance
9 would deny defense counsel the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv). For
11 these reasons, the failure to grant a continuance would also be likely to result in a miscarriage of
12 justice within the meaning of 18 U.S.C. § 3161(h)(7)(B)(i).

13 For the foregoing reasons, the motion is GRANTED. The trial date shall be continued from
14 July 11, 2022 to October 11, 2022. Pretrial motions are to be filed no later than August 30, 2022.
15 It is further ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay
16 from the current trial date of July 11, 2022 until the new trial date is EXCLUDED when computing
17 the time within which the trial must commence under the Speedy Trial Act.

18 Dated this 12th day of May, 2022.

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20 Lauren King
21 United States District Judge
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